UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,135	01/11/2002	Kiran Venkatesh Hegde	50023.08USU1	9254

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EXAMINER
LY, ANH

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 November 2004</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>11 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is response to Applicants' Amendment filed on 11/17/2004.

2.   Claims 1-19 are pending in this application.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 1, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Pub. No.: US 20010029523 A1 of McTernan et al. (hereinafter McTernan) in view

of Pub. No.: US 2002/0124100 A1 of Adams.

With respect to claim 1, McTernan teaches receiving a request for a rich media

presentation from the device before the device requests to play a media package

(requests from client site are received by server before the Media Player issuing

requests for media packets to the server: sections 0064-0071);

determining when request for rich media presentation comes from a supported

site, and when the request comes from a supported site (the supported site of the rich

media is comes from the provider or the media server to client: section 0072);

automatically generating the rich media presentation for the device (generating

the sound information for the device: fig. 2, sections 0063 and 0078); and

providing the rich media presentation to the device (the media player containing

a plurality of component to the device: sections 0070-0073);

· McTernan teaches distributing the content of multimedia to take advantage of

each particular client's capabilities, rich media presentations that are referring to

multiple of type of digital media that are directly sensed by a viewer, to be specified how

a presentation is to be assemble and where resources needed for the presentation are

to be found. McTernan does not clearly teaches detecting attributes relating to the

device and for the device based on the defected attributes.

However, Adams teaches attribute of devices to be detected such as streaming

media players for firewalls, security devices used by business and large organization.

firewall is installed for security purposes such as blocking or disrupting transmission by the hosted web: section 0005 and section 0009, bandwidth requirements attribute for streaming media: section 0007, and a set of different language audio presentation (section 0048).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McTernan with the teachings of Adams, wherein the routers detecting the machine, device or the content of media package delivering to the receiver or to multiple receivers in the best way in the system provided therein (McTernan's section 0031), would incorporate the use of defecting attributes of the device or media packages, in the same conventional manner as described by Adams (sections 0005, 0009 and 0048). The motivation being to reduce bandwidth, increase efficiency and improve the speed and the end-user's performance as well as the performance of the media presentation.

With respect to claim 8, McTernan teaches receiving a request for a rich media presentation from the device when the device accesses a page including a request for an include file from the provider (requests from client site are received by server before the Media Player issuing requests for media packets to the server: sections 0064-0071);

determining when request for rich media presentation comes from a supported site, and when the request comes from a supported site (the supported site of the rich media is comes from the provider or the media server to client: section 0072);

automatically generating the rich media presentation for the device (generating the sound information for the device: fig. 2, sections 0063 and 0078); and

providing the rich media presentation to the device (the media player containing a plurality of component to the device: sections 0070-0073).

McTernan teaches distributing the content of multimedia to take advantage of each particular client's capabilities, rich media presentations that are referring to multiple of type of digital media that are directly sensed by a viewer, to be specified how a presentation is to be assemble and where resources needed for the presentation are to be found. McTernan does not clearly teaches determining when the device is authorized to receive the rich media presentation, detecting attributes relating to the device and the defected attributed relating to the device.

However, Adams teaches authorizing receiving the device with the request (sections 0097 and 0237), attribute of devices to be detected such as streaming media players for firewalls, security devices used by business and large organization. firewall is installed for security purposes such as blocking or disrupting transmission by the hosted web: section 0005 and section 0009, bandwidth requirements attribute for streaming media: section 0007, and a set of different language audio presentation (section 0048).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McTernan with the teachings of Adams, wherein the routers detecting the machine, device or the content of media package delivering to the receiver or to multiple receivers in the best way in the system provided therein (McTernan's section 0031), would incorporate the use of defecting attributes of the device or media packages, in the same conventional manner

as described by Adams (sections 0005, 0009 and 0048). The motivation being to

reduce bandwidth, increase efficiency and improve the speed and the end-user's

performance as well as the performance of the media presentation.

Claim 14 is essentially the same as claim 8 except that it is directed to a system

rather than a modulated data signal, and is rejected for the same reason as applied to

the claim 8 hereinabove.

6.   Claims 2-7, 9-13 and 15-19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Pub. No.: US 20010029523 A1 of McTernan et al. (hereinafter

McTernan) in view of Pub. No.: US 2002/0124100 A1 of Adams and further in view of

US Patent No. 6,553,413 issued to Leighton et al. (hereinafter Leighton).

With respect to claim 2, McTernan in view of Adams discloses a method for

providing rich media presentations to a device over a network as discussed in claim 1..

Also, McTernan teaches generating media package (creation of media player: 0070-

0073), and Adams teaches streaming media such as RealPlayer: 0005-0008).

McTernan and Adams disclose substantially the invention as claimed.

McTernan and Adam do not teach generating a virtual player for the device.

However, Leighton teaches executing code for playing the content of media (col.

17, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McTernan view of Adams with the teachings of Leighton incorporating the use of a set of code in the software program to execute or to play the media (col. 17, lines 1-8). The motivation being to reduce bandwidth, increase efficiency and improve the speed and the end-user's performance as well as the performance of the media presentation.

With respect to claims 3-7, McTernan in view of Adams discloses a method for providing rich media presentations to a device over a network as discussed in claim 1.. Also, McTernan teaches retrieving the resources for presentation (section 0040-0043) and media package (creation of media player: 0070-0073), Adams teaches additional attributes such as firewall, language and bandwidth (section 0005, 0007, 0009 and 0048), attribute of devices to be detected such as streaming media players for firewalls, security devices used by business and large organization (sections 0005 and 0009), bandwidth requirements attribute for streaming media (section 0007) and a set of different language audio presentation (section 0048) and streaming media such as RealPlayer: 0005-0008).

McTernan and Adams disclose substantially the invention as claimed.

McTernan and Adam do not teach the rich media presentation cached within the device and on a Content Delivery network and web site.

However, Leighton teaches cached certain objects in certain locations (col. 11, lines 25-38), content delivery network (as the title said) and the web site (col. 7, lines 10-25 and lines 55-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McTernan view of Adams with the teachings of Leighton incorporating the use of a set of code in the software program to execute or to play the media (col. 17, lines 1-8). The motivation being to reduce bandwidth, increase efficiency and improve the speed and the end-user's performance as well as the performance of the media presentation.

With respect to claim 9, McTernan in view of Adams discloses a method for providing rich media presentations to a device over a network as discussed in claim 1.. Also, McTernan teaches generating media package (creation of media player: 0070-0073), and Adams teaches streaming media such as RealPlayer: 0005-0008).

McTernan and Adams disclose substantially the invention as claimed.

McTernan and Adam do not teach generating a virtual player for the device.

However, Leighton teaches executing code for playing the content of media (col. 17, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of McTernan view of Adams with the teachings of Leighton incorporating the use of a set of code in the software program to execute or to play the media (col. 17, lines 1-8). The motivation being to reduce bandwidth, increase efficiency and improve the speed and the end-user's performance as well as the performance of the media presentation.

With respect to claims 10-13, McTernan in view of Adams discloses a method for providing rich media presentations to a device over a network as discussed in claim 1..

Also, McTernan teaches retrieving the resources for presentation (section 0040-0043)

and media package (creation of media player: 0070-0073), Adams teaches additional

attributes such as firewall, language and bandwidth (section 0005, 0007, 0009 and

0048), attribute of devices to be detected such as streaming media players for firewalls,

security devices used by business and large organization (sections 0005 and 0009),

bandwidth requirements attribute for streaming media (section 0007) and a set of

different language audio presentation (section 0048) and streaming media such as

RealPlayer: 0005-0008).

McTernan and Adams disclose substantially the invention as claimed.

McTernan and Adam do not teach the rich media presentation cached within the

device and on a Content Delivery network and up-to-date within the device.

However, Leighton teaches cached certain objects in certain locations (col. 11,

lines 25-38), content delivery network (as the title said) and the web site (col. 7, lines

10-25 and lines 55-65) and up-to-date version or information on the content provider

server (col. 8, lines 61-67 and col. 9, lines 1-3).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to combine the teachings of McTernan view of Adams

with the teachings of Leighton incorporating the use of a set of code in the software

program to execute or to play the media (col. 17, lines 1-8). The motivation being to

reduce bandwidth, increase efficiency and improve the speed and the end-user's

performance as well as the performance of the media presentation.

Claim 15 is essentially the same as claim 9 except that it is directed to a system rather than a modulated data signal, and is rejected for the same reason as applied to the claim 9 hereinabove.

Claim 16 is essentially the same as claim 10 except that it is directed to a system rather than a modulated data signal, and is rejected for the same reason as applied to the claim 10 hereinabove.

Claim 17 is essentially the same as claim 11 except that it is directed to a system rather than a modulated data signal, and is rejected for the same reason as applied to the claim 11 hereinabove.

Claim 18 is essentially the same as claim 12 except that it is directed to a system rather than a modulated data signal, and is rejected for the same reason as applied to the claim 12 hereinabove.

Claim 19 is essentially the same as claim 13 except that it is directed to a system rather than a modulated data signal, and is rejected for the same reason as applied to the claim 13 hereinabove.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

8.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or
via E-Mail: ANH.LY@USPTO.GOV **or fax to (571) 273-4039**. The examiner can
normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John Breene, can be reached on (571) 272-4107 or Primary Examiner Jean
Corrielus (571) 272-4032.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for published
applications may be obtained from either Private PAIR or Public PAIR. Status
information for unpublished applications is available through Private PAIR only. For
more information about the PAIR system, see **http://pair-direct.uspto.gov**. Should you
have questions on access to the Private PAIR system, contact the Electronic Business
Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to: Commissioner of Patents and
Trademarks, Washington, D.C. 20231, or faxed to: Central Fax Center (703) 872-9306

JEAN M. CORRIELUS
PRIMARY EXAMINER

ANH LY
MAR. 16th, 2005